

Application Serial No. 09/675,992

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have greatly
5 assisted Applicant in responding.

2. 35 U.S.C. §103(a).

I. The Examiner maintains her rejection of Claims 19, 21-25, and 36 under 35
10 U.S.C. §103(a) as being unpatentable over Boston *et al* (herein Boston) U.S. 4,812,628
in view of French *et al* (herein French) U.S. 6,282,658.

Applicant respectfully traverses.

15 Applicant has nevertheless amended independent Claim 19 to further clarify the
invention.

(a) Regarding Claim 19, a computer-implemented method is claimed for processing
a request for a transaction, comprising the step of:

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Responsive to receiving said request, determining a transaction score that is based on
the first set of transaction data and that is indicative of a level of risk associated with the
transaction.

25 The Examiner asserted that Boston discloses such in (col. 5, lines 66 – col. 6, line 4 and
col. 6, lines 57-68). The Examiner also stated that the Examiner interprets "risk
assessment value" to be a form of "transaction score."

(i) In col. 5, lines 66 – col. 6, line 4, Boston simply teaches that the issuer compares
30 the information sent by the terminal with cardholder information stored in memory, and if

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the evaluation is favorable, an approval code is sent back to the merchant who would complete the transaction and if unfavorable, the transaction would be declined.

Specifically, Boston is teaching the issuer comparing information and if evaluation is favorable then... . Nowhere is it taught a determination of a transaction score. All that Boston is disclosing and teaching here is comparison. Comparing is not determining a transaction score. To interpret a transaction score is equivalent to comparing information is incorrect. Therefore the rejection is improper.

10 Further, nowhere does Boston explain what is meant by 'evaluating.' The only functionality mentioned is comparing. To interpret evaluating is a transaction score is incorrect because 'evaluating' is too broad. It can mean anything, or, at best, it can mean 'comparing information.' Therefore, the rejection is improper.

15 (ii) In col. 6, lines 57-68, Boston teaches assigning a risk assessment value to the cardholder. At the point of a transaction, the terminal reads the card, multiplies the risk assessment value times the transaction dollar limit and, based on the result, automatic approval is generated or an authorization request is routers.

20 The claimed invention determines a transaction score based on the transaction data and in response to receiving the transaction data.

By the Examiner's own admission, the Examiner interprets risk assessment value to be a form of transaction score. The Examiner is incorrect. Boston clear states that risk assessment value is a value to the cardholder and is read off of the card.

25 The claimed transaction score is determined in response to receiving the transaction data and based on the transaction data.

30 To interpret the claimed transaction score, which by nomenclature is a score for a given transaction, as equivalent to the risk assessment value, which is a static value read

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from the cardholder's card and, by admission is a value "to the cardholder" is incorrect, because these two values do not represent the same entity.

Therefore, the rejection is improper.

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(iii) Further, the Examiner asserted that Boston discloses the claimed invention's step of:

responsive to the transaction score, performing at least one if:

- 10 terminating the transaction (and cited col. 6, lines 1-4); or
 proceeding with the request for a transaction (and cited col. 6, lines 1-4).

Applicant has since amended such Claim to further clarify the invention.

- 15 The claimed invention generates the transaction score and using it, terminates the transaction, proceeds with the request for a transaction, or obtains additional information from the customer.

- 20 In col. 6, lines 1- 4, Boston discloses if the evaluation is favorable, an approval code is sent back to the merchant who would complete the transaction and if unfavorable, the transaction would be declined.

- 25 As asserted hereinabove, Boston does not define what is meant by evaluation. At best, Boston is referring to the issuer comparing information sent by the terminal with the cardholder information.

- 30 Based on the discussion hereinabove, the information sent by the terminal is not equivalent to, and does not comprise the equivalent of, the claimed invention's generated transaction score. The cardholder information is not equivalent to, and does not comprise the equivalent of, the claimed invention's generated transaction score.

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Therefore, the rejection is improper.

Boston as a whole does not teach the claimed invention's generating a transaction
score.

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None of the prior art of record, alone or in combination, teach the hereinabove
discussed limitations of the claimed invention.

Therefore, in view of the amendment to Claim 19 and of discussion hereinabove,
10 Applicant is of the opinion that Claim 19 and the dependent claims are in allowable
condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the
rejection under 35 U.S.C. §103(a).

(b) Regarding Claim 36, a system is claimed for processing a request for a
15 transaction over a computer network, comprising a transaction-scoring module that
receives transaction data and that generates a transaction score based on the received
transaction data and a thresholding module that receives the generated transaction
score and applies the score to at least one threshold to selectively complete the
transaction, terminate the transaction, or obtain additional data.

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(i) In col., 5, line 60 – col. 6, lines 4, as shown hereinabove, Boston simply teaches
that the issuer compares the information sent by the terminal with cardholder
information stored in memory, and if the evaluation is favorable, an approval code is
sent back to the merchant who would complete the transaction and if unfavorable, the
25 transaction would be declined.

Boston does not teach the claimed invention's generating a transaction score based on
the received transaction data nor teaches applying the generated and received
transaction score to complete the transaction or terminate the transaction.

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(ii) In Boston, col. 6, lines 57-68, as shown hereinabove, Boston teaches assigning a risk assessment value to the cardholder. At the point of a transaction, the terminal reads the card, multiplies the risk assessment value times the transaction dollar limit and, based on the result, automatic approval is generated or an authorization request is
5 routers.

Boston does not teach the claimed invention's generating a transaction score based on the received transaction data nor teaches applying the generated and received transaction score to complete the transaction or terminate the transaction.

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(iii) In col. 3, line 66 – col. 4, lines 17 Boston discloses the terminal includes a processor means for evaluating the transaction based on the risk assessment information carried on the card. Boston discloses if the transaction falls within the parameter set by the issuer. Boston discloses in one embodiment that each transaction
15 terminal is provided with a single dollar transaction limit and that the risk assessment information carried on the card takes the form of a multiplier, and specifically, modifies the dollar limit in the terminal to determine approval.

As shown herein above, the claimed invention uses transaction data and from that data
20 generated a transaction score.

To assert that risk assessment value, which can be thought of as a multiplier, and which is used as a factor in calculating a product, the product being used to make an approval determination, is not equivalent to the claimed invention's taking transaction data from a
25 particular transaction and generating a transaction score, the score used to determine a further action. Therefore, because the terms are not equivalent, the rejection is improper.

For the same rationale, Boston does not teach the claimed invention's applying the
30 score to the at least one threshold. Boston does not generate the score at all.

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Boston as a whole does not teach the claimed invention's generating a transaction score nor the claimed invention's thresholding module.

None of the prior art of record, alone or in combination, teach the hereinabove
5 discussed limitations of the claimed invention.

Therefore, in view of the amendment to Claim 36 and of discussion hereinabove, Applicant is of the opinion that Claim 36 and the dependent Claim 37 are in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the
10 rejection under 35 U.S.C. §103(a).

II. The Examiner rejected Claims 20 and 37 under 35 U.S.C. §103(a) as being unpatentable over Boston *et al* (herein Boston) U.S. 4,812,628 in view of French *et al* (herein French) U.S. 6,282,658 and further in view of Jobber *et al* ("The Prediction of
15 Industrial Mail-survey Response Rates").

Applicant respectfully traverses.

The rejection of Claims 20 and 37 under 35 U.S.C. §103(a) is deemed moot in view of
20 Applicant's comments concerning Claims 19 and 36, above. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

3. It should be noted that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the
25 PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claim was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at
30 a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

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CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished
5 from the art of record. Accordingly, Applicant earnestly solicits the Examiner's
withdrawal of the rejections raised in the above referenced Office Action, such that a
Notice of Allowance is forwarded to Applicant, and the present application is therefore
allowed to issue as a United States patent. The Examiner is invited to call to discuss
the response. The Commissioner is hereby authorized to charge any additional fees
10 due or credit any overpayment to Deposit Account No. 07-1445.

Respectfully Submitted,

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